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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES – NORTH CENTRAL DISTRICT**

12  
13 GHEN MAYNARD, an individual,

14 Plaintiff,

15 v.

16 CBS STUDIOS, INC., a Delaware  
17 corporation, CBS CORPORATION, a  
18 Delaware corporation, and DOES 1-10.

19 Defendants.  
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**Case Number:**

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

- (1) Discrimination Based on Race, National Origin, Color, and Ancestry**
- (2) Discrimination Based on Age**
- (3) Failure to Prevent Discrimination**
- (4) Wrongful Termination in Violation of Public Policy**
- (5) Intentional Infliction of Emotional Distress**

**JURY TRIAL DEMANDED**

1 Plaintiff Ghen Maynard (“Mr. Maynard” or “Plaintiff”), by and through his attorneys, Dhillon  
2 Law Group, Inc., files this Complaint for Damages and Injunctive Relief (“Complaint”) against  
3 Defendants CBS Studios, Inc. (“CBS Studios”), CBS Corporation (“CBS”) (collectively, the  
4 “Company”), and Does 1-10 (collectively, “Defendants”), and alleges as follows:

### 5 **PARTIES**

6 1. Mr. Maynard is an individual who is, and at all times relevant to this Complaint was, a  
7 resident of the County of Los Angeles, California. Mr. Maynard was employed by Defendants in Los  
8 Angeles, California.

9 2. Defendant CBS Studios, Inc. is a Delaware corporation with its principal place of  
10 business in New York, New York, with offices in Los Angeles, California.

11 3. Defendant CBS Corporation is a Delaware corporation with its principal place of  
12 business in New York, New York, with offices in Los Angeles, California.

13 4. The true names and capacities, whether individual, corporate or otherwise, of  
14 Defendants named herein as Does 1 through 10, inclusive, are unknown to Mr. Maynard at this time,  
15 and these Defendants are therefore sued by fictitious names. Mr. Maynard will amend this Complaint  
16 to state the true names and capacities of Does 1 through 10 when they have been ascertained, together  
17 with the appropriate charges and allegations.

### 18 **JURISDICTION AND VENUE**

19 5. This Court has jurisdiction over this action pursuant to the California Constitution,  
20 Article VI, Section 10, which grants the Superior Court “original jurisdiction in all causes except  
21 those given by statute to other courts.”

22 6. This Court has jurisdiction over all Defendants because, upon information and belief,  
23 each Defendant is either a citizen of California, has sufficient minimum contacts in California, and/or  
24 otherwise intentionally avails himself, herself, or itself of the California market so as to render the  
25 exercise of jurisdiction over him, her, or it by the California courts consistent with traditional notions  
26 of fair play and justice.

27 7. Under Cal. Civ. Proc. Code section 395, the Superior Court in the county where the  
28 defendants or some of them reside at the commencement of the action is the proper court for the trial

1 of the action. Because Defendants maintain offices in County of Los Angeles, venue is proper in this  
2 Court. In addition, venue is proper in this Court because the unlawful practices alleged herein were  
3 committed in the County of Los Angeles.

4 8. The filing of this Complaint in the Court's North Central District is proper under Local  
5 Rule 2.3(a)(1)(B) because Defendants employed Mr. Maynard in the North Central District and do  
6 business there.

## 7 **GENERAL ALLEGATIONS**

### 8 **Mr. Maynard's Numerous Contributions to CBS**

9 9. Upon information and belief, Mr. Maynard is the only non-white executive at CBS  
10 Studios with his level of decision-making authority; he is of Japanese origin.

11 10. Despite the biases against him on the part of Defendants, which have been widespread  
12 since the departure of former CEO, Leslie Moonves, his television shows on and/or produced by CBS  
13 Studios have had great success and earned the Company well over a billion dollars and innumerable  
14 accolades.

15 11. Mr. Maynard is well known in the television industry. He was named by TV Guide as  
16 "one of the bold ones" in television.

17 12. Convinced he had a way to draw younger viewers to CBS without alienating its then-  
18 older core, Mr. Maynard developed and championed what would become the first broadcast TV  
19 reality show, the mega-hit, Survivor. Passed on by all other networks, Survivor not only brought  
20 unprecedented numbers of young viewers to CBS, but also changed the face and economics of  
21 television, inspiring less costly, yet highly successful reality television programming that is ubiquitous  
22 today.

23 13. Mr. Maynard was invited by Mr. Moonves to return to CBS for his third stint in 2016,  
24 to launch a studio operation for alternative shows, as Senior Executive Vice President, Alternative  
25 Programs, for CBS Studios. Mr. Moonves was disappointed with the lack of successful alternative  
26 series at CBS since Mr. Maynard's previous stint at the Company. When asked what his mandate was  
27 at CBS, Mr. Maynard was told by Mr. Moonves to develop all shows, big and small, for CBS and  
28 other networks.

1           14.     Mr. Maynard had periodic meetings with Mr. Moonves and the president of CBS  
2 Studios, David Stapf. At all of these meetings, Mr. Moonves expressed enthusiasm for many specific  
3 projects Mr. Maynard was generating. With Mr. Moonves happy, Mr. Stapf expressed enthusiasm too.

4           15.     In his current role, Mr. Maynard has sold four straight-to-series programs, to three  
5 different broadcast networks, despite having the smallest budget of any department at CBS Studios.

6           16.     Mr. Maynard convinced the stars of the '90s hit Beverly Hills, 90210 ("BH90210") to  
7 go to market with a bold new take, in which they agreed to play heightened versions of themselves in  
8 a scripted serialized "dramedy." A fierce bidding war landed the show a series order on Fox, where it  
9 just completed its run as the highest-rated summer scripted series in three years.

10          17.     Mr. Maynard also made a deal with movie star and comedienne Tiffany Haddish to  
11 host Kids Say the Darndest Things, which also prompted a bidding war. The series debuted this fall  
12 on ABC.

13          18.     Mr. Maynard also sold two crime reality series to CBS, including Whistleblower,  
14 which recently completed its second season.

15          19.     Mr. Maynard has also sold several pilots and other projects to CW, Freeform, Lifetime,  
16 Oxygen, Pop TV, and Youtube.

17          20.     In earlier stints at CBS Studios, Mr. Maynard developed and oversaw the multiple  
18 Emmy-Award-winning show, the Amazing Race, the U.S. version of Big Brother (whose format was  
19 adopted by many international territories, extending the franchise's life by many years), and  
20 America's Next Top Model on CW and VH1. Along with Survivor, these programs are four of the  
21 longest-running reality television franchises in the world. He also played a key role in the  
22 development of the original CSI drama series, which became a billion-dollar franchise, as the number  
23 two executive in drama development.

24          21.     CBS has touted Mr. Maynard's accomplishments to the public as recently as August of  
25 this year. In CBS's most recent earnings call to investors, CEO Joseph Ianiello boasted to investors in  
26 the first minute of the call that the Company was a successful content producer for companies outside  
27 of CBS. In so doing, he mentioned only three shows produced by CBS Studios with its many  
28 executives (all with their substantially bigger budgets than Mr. Maynard's) to impress the investors.

1 Out of those three named shows, two of those highlighted to tout the Company's successes were Mr.  
2 Maynard's, *i.e.*, BH90210 at Fox and Kids Say the Darndest Things at ABC. Selling shows to  
3 broadcast networks such as Fox or ABC is a no easy feat, and requires serious talent and business  
4 acumen, which Mr. Maynard has demonstrated.

### 5 **CBS Is an Intolerant, Biased Workplace**

6 22. Since Mr. Moonves' departure, CBS has become a radically different place. Despite  
7 blaming all of its problems on Mr. Moonves and claiming that it has taken steps to improve race and  
8 gender issues at the Company, today's CBS "leaders," those making the key decisions on such issues,  
9 are all white males, whose decisions belie CBS' self-serving rhetoric.

10 23. CBS has come under increased scrutiny in the media because of its poor track record of  
11 dealing with issues related to the diversity of its shows and employees.<sup>1</sup> While its leaders falsely claim  
12 to the press they are working to address this, their behavior behind the scenes reflects the exact  
13 opposite intent, pushing out diverse individuals at the highest levels, all but ensuring that those diverse  
14 employees that remain are relegated to lower levels or with far less seniority, and thus, kept "in their  
15 place."

16 24. Indeed, CBS' top circle includes no women and no representation of minorities. Upon  
17 information and belief, David Nevins, head of the creative direction for all of CBS' divisions, Kelly  
18 Kahl, president of CBS Entertainment, David Stapf, president of CBS Studios (and Mr. Maynard's

19 <sup>1</sup> New CBS Sexual Harassment Infrastructure Seems to Be Working Just as Poorly as Previous Policy, [https://themuse.jezebel.com/new-](https://themuse.jezebel.com/new-cbs-sexual-harassment-infrastructure-seems-to-be-wo-1839912344)  
20 [cbs-sexual-harassment-infrastructure-seems-to-be-wo-1839912344](https://www.nytimes.com/2019/11/16/business/media/cbs-female-writers-misconduct.html); Two Female Writers Quit Patricia Heaton's Show After Making  
21 [Complaints](https://www.nytimes.com/2019/09/06/opinion/sunday/walter-mosley.html), <https://www.nytimes.com/2019/09/06/opinion/sunday/walter-mosley.html>; Why I Quit the Writer's Room,  
22 [https://deadline.com/2019/10/cbs-discrimination-retaliation-lawsuit-1-million-maria-solache-federal-court-](https://deadline.com/2019/10/cbs-discrimination-retaliation-lawsuit-1-million-maria-solache-federal-court-1202755476/)  
23 [1202755476/](https://deadline.com/2019/10/cbs-discrimination-retaliation-lawsuit-1-million-maria-solache-federal-court-1202755476/); 2019: Judge says CBS should be liable in sex harassment suit against former radio unit,  
24 <https://nypost.com/2019/10/02/judge-says-cbs-liable-in-sex-harassment-suit-against-former-radio-unit/>; 2019: CBS' Track Record  
25 Addressing Racism & Sexism Allegations remains Unsatisfactory (incl: "Last year, The Post also exposed how CBS Radio had ignored  
26 complaints of racism and sexism at the company by three employees...."), [https://www.indiewire.com/2019/08/cbs-big-brother-racism-](https://www.indiewire.com/2019/08/cbs-big-brother-racism-bull-sexism-training-tca-1202162679/)  
27 [bull-sexism-training-tca-1202162679/](https://www.indiewire.com/2019/08/cbs-big-brother-racism-bull-sexism-training-tca-1202162679/); CBS Sued for Allegedly Discriminating Against Mexican Employee,  
28 <https://www.hollywoodreporter.com/thr-esq/cbs-sued-allegedly-discriminating-mexican-employee1246174/>; CBS Has a White Problem:  
Executive Blasts Toxic Culture At Network in Explosive Letter, [https://variety.com/2019/tv/news/cbs-has-a-white-problem-whitney-](https://variety.com/2019/tv/news/cbs-has-a-white-problem-whitney-davisexplains-decision1203194484/)  
[davisexplains-decision1203194484/](https://variety.com/2019/tv/news/cbs-has-a-white-problem-whitney-davisexplains-decision1203194484/); In avoidable error, CBS [News] Takes Heat for the Lack of Black Voices on Its Campaign Team,  
<https://thinkprogress.org/cbs-takes-heat-for-lack-of-racial-diversityc8dde64a1fcb/>; Why the CBS Digital Team Needs Black Reporters  
Covering the 2020 Election, [https://www.salon.com/2019/01/15/why-the-cbs-digital-team-needsblack-reporters-covering-the2020-](https://www.salon.com/2019/01/15/why-the-cbs-digital-team-needsblack-reporters-covering-the2020-election/)  
[election](https://www.salon.com/2019/01/15/why-the-cbs-digital-team-needsblack-reporters-covering-the2020-election/); CBS Soap Operas Called Out on Diversity Issues, [https://soaps.sheknows.com/theyoung-and-the-restless/news/50657/cbssoap-](https://soaps.sheknows.com/theyoung-and-the-restless/news/50657/cbssoap-operas-called-out-on-diversity-issues/)  
[operas-called-out-on-diversity-issues](https://soaps.sheknows.com/theyoung-and-the-restless/news/50657/cbssoap-operas-called-out-on-diversity-issues/); CBS Diversity Comedy Showcase Has Been a Racist, Sexist, Homophobic Mess for Years,  
Participants Say, <https://www.vulture.com/2017/11/cbs-diversity-showcase-racist-sexist-homophobic-mess-participantssay.html>; CBS  
Has Huge Diversity Problems. But the Issues Run Deeper than Just One Network,  
<https://www.vox.com/culture/2017/8/1/16078570/cbs-diversity-tca>; CBS Once Again Hit Hard Over Diversity,  
<https://ew.com/tv/2017/08/01/cbs-diversity-2>; CBS Boss Defends Lack of Diversity, Women in New Shows,  
<https://www.hollywoodreporter.com/live-feed/cbs-boss-defendslackdiversity-895375>.

1 direct supervisor), and Thom Sherman, Sr. Executive Vice President at CBS Entertainment, are all  
2 white males.

3 25. A simple review of CBS Studios' executive leadership roster shows that Mr. Maynard  
4 is the only minority leader in senior leadership.

5 26. Mr. Maynard's personal experience confirms this bias.

6 27. Mr. Maynard has taken part in semi-weekly studio meetings in which there were  
7 twenty to thirty leaders present, from a variety of departments and levels. In these meetings, Mr.  
8 Maynard noticed that, if there were ever any other minorities aside from him in the room, they would  
9 always be relegated to sit in the back rows, meaning that they lacked seniority and were members of  
10 support departments. Mr. Maynard was the only minority leader with any real authority "at the table."

11 28. Importantly, until recently, CBS Entertainment employed another minority executive,  
12 Mexican-American Executive Vice President of Daytime Programs, Angelica McDaniel, whom it  
13 summarily terminated in an alleged "restructuring" on September 9, 2019.<sup>2</sup> Ms. McDaniel was the  
14 highest-level minority creative executive at CBS Entertainment and was replaced by Amy  
15 Reisenbach, who is white. This is a similar method by which CBS now purports to terminate Mr.  
16 Maynard.

17 29. Both Mr. Maynard and Ms. McDaniel were excluded from senior leadership meetings.

18 30. For example, on September 5, 2019, there was a Company-wide meeting for all  
19 creative executives in every division (including individuals below Mr. Maynard's level) led by white  
20 male, Mr. Nevins. Two creative executives were not invited to the meeting, Ms. McDaniel and Mr.  
21 Maynard, the only diverse senior executives.

22 31. As recently as October 25, 2019, Mr. Maynard was disinvited and told he no longer  
23 needed to attend the semi-weekly meetings at all.

#### 24 **CBS Studios Mistreats Mr. Maynard Based on His Race and Age**

25 32. CBS has mistreated Mr. Maynard for some time, particularly since the departure of Mr.  
26 Moonves, who supported Mr. Maynard.

27  
28 <sup>2</sup> CBS Head Of Daytime Angelica McDaniel Exits Amid Restructuring, <https://deadline.com/2019/09/cbs-head-of-daytime-angelica-mcdaniel-exitsrestructuring-1202713488>.

1           33.     In particular, Mr. Maynard has noticed that his work has not been and is not well  
2 respected by CBS' white male executives, particularly Kelly Kahl and Tom Sherman.

3           34.     For example, when Mr. Maynard and his team delivered cuts for the Pink Collar  
4 Crimes series to air during the summer of 2018, Senior Vice President in charge of Alternative  
5 Programs, Sharon Vuong (a woman of Asian and Latina heritage), congratulated Mr. Maynard on his  
6 "great job" in an in-person screening of the show.

7           35.     But when it came to the white male CBS executives, Mr. Maynard received very  
8 negative and condescending notes from Messrs. Kahl and Sherman, even though Mr. Maynard's  
9 shows from his previous stints are the only alternative-genre shows working for CBS and making  
10 enormous profit for the network. Ultimately, they relegated the show to usually-dead Saturday night,  
11 giving it almost no promotion, effectively a death penalty.

12          36.     When Mr. Maynard took BH90210 with six original cast members to market, CBS  
13 competed with Fox and ABC for the series, yet while presidents and other executives of other  
14 networks lobbied directly with Mr. Maynard for the series, never did Messrs. Kahl or Sherman call  
15 Mr. Maynard, opting instead to speak only via Mr. Stapf, who had not attended the pitch.

16          37.     And when Mr. Maynard took Kids Say the Darndest Things with Tiffany Haddish to  
17 market, he generated a bidding war between the three other broadcast networks (ABC, Fox, and  
18 NBC), yet still received no response from CBS, who had heard the pitch first, directly from Mr.  
19 Maynard and the production team, until he finally reached the most junior executive in the room, who  
20 said they had not yet even discussed the pitch. It was only after hearing about the other offers that  
21 CBS made an offer, via Mr. Stapf, for a one-time special, but still never calling Mr. Maynard directly  
22 as would be customary.

23          38.     Messrs. Kahl and Sherman also passed on the network's highest-testing pilot in ten  
24 years (Small Business Champions), per the then Head of West Coast Research, which Mr. Maynard  
25 had delivered, without one word of at least customary explanation to Mr. Maynard, nor could Mr.  
26 Stapf explain any logical reasoning on the Company's behalf. In success, such a series would result in  
27 enormous international sales for CBS Distribution, just as Mr. Maynard's earlier series "America's  
28 Next Top Model," which CBS Distribution fully controls to date.



1           39.     When Mr. Maynard asked Mr. Stapf why CBS Entertainment was so disrespectful and  
2     condescending, he confirmed their behavior and told Mr. Maynard that Messrs. Kahl and Sherman  
3     were “threatened” by him, in addition to various other personal remarks about them. Indeed, Mr.  
4     Sherman never returned Mr. Maynard’s calls, and would disparage the shows he developed behind his  
5     back to other executives.

6           40.     It was not long before Mr. Stapf himself started telling Mr. Maynard that his work  
7     would not be “profitable” enough, despite industry standards and evidence to the contrary (Survivor  
8     has generated over a billion dollars, not to mention helped other CBS series perform better), and  
9     hinting that his tenure at CBS would soon come to an end.

10          41.     Importantly, Mr. Maynard’s unscripted shows, owned by CBS Studios, like  
11     “America’s Next Top Model,” stand to make far more money for CBS than the unscripted shows  
12     produced mostly by other studios for CBS Entertainment, which have all bombed at enormous  
13     expense and embarrassment. Further, unscripted series cost less and do not require any deficit  
14     financing by CBS Studios, unlike its scripted fare.

15          42.     Mr. Maynard wrote Mr. Nevins an e-mail requesting to see him to discuss these issues,  
16     with Mr. Stapf’s blessing, but never got a response back, despite Mr. Nevins’ responses to earlier e-  
17     mails congratulating him on his new post.

18          43.     Mr. Maynard was subject to this poor treatment despite the fact that BH90210 had the  
19     biggest scripted series premiere in three summers. But Mr. Maynard did not receive even one  
20     message of congratulations from Mr. Stapf or any other CBS executives. Nevertheless, he did receive  
21     numerous positives messages from executives at all levels of Fox.

22          44.     Mr. Maynard received no positive feedback from anyone at CBS upon the premiere of  
23     Kids Say the Darndest Things, despite its launching as the second-highest rated new series of the  
24     season on any broadcast network in the 18-49 demographic, despite receiving numerous positive  
25     messages congratulating him from executives of ABC.

26          45.     Amplifying its mistreatment of Mr. Maynard, earlier this year, CBS subjected Mr.  
27     Maynard to a biased, sham “investigation” into a false and ludicrous allegation that he mistreated a  
28     female coworker on the writing team when he asked a quiet male employee on the same team for his



1 opinions during a meeting (as opposed to asking for the opinions of the complaining female coworker,  
2 who had already spoken extensively, allegedly did not say hello to the same female coworker during  
3 an elevator ride “in the same way” that he said hello to male coworkers, and asked a question relevant  
4 to the funding of writer positions on the team.

5 46. As part of that supposed “investigation,” Mr. Maynard was interviewed by Tim Farrell,  
6 Vice President, Human Resources. While Mr. Farrell initially told Mr. Maynard that he did not  
7 believe the allegations would be of serious impact, some time went by before Mr. Maynard was  
8 informed of the Company’s contrived conclusion.

9 47. In early June 2019, CBS Studios’ president, Mr. Stapf called Mr. Maynard and told  
10 him that the Company was going to remove him from his own show, BH90210.

11 48. When Mr. Maynard contacted HR about the decision, Mr. Farrell not only told Mr.  
12 Maynard that he was not found to have violated CBS policy, but he let it slip that it was white male  
13 Mr. Stapf who nevertheless decided to remove Mr. Maynard from the show.

14 49. Confused about all of this, Mr. Maynard asked Mr. Farrell if, during the investigation,  
15 anyone had spoken with key female witnesses specifically named by Mr. Maynard whom he believed  
16 would testify in his favor.

17 50. Mr. Farrell told Mr. Maynard that HR had not spoken with these female witnesses.

18 51. Mr. Farrell advised Mr. Maynard to write a letter if he had an issue with the decision  
19 not to interview those key individuals.

20 52. After a few weeks, Mr. Farrell called Mr. Maynard and told him that HR would not be  
21 conducting any further investigation into the matter, nor would it be speaking with Mr. Maynard’s  
22 proposed female witnesses. Mr. Farrell told Mr. Maynard that the decision to remove him from his  
23 own show would stand.

#### 24 **CBS Studios Terminates Mr. Maynard Based on His Race and Age**

25 53. On October 2, 2019, after much mistreatment, Mr. Stapf called Mr. Maynard into his  
26 office and, in a two-minute meeting, summarily informed Mr. Maynard that CBS planned to terminate  
27 him, claiming that his department would be “eliminated.”  
28

1           54.     A similar excuse was used to terminate Mexican-American executive, Ms. McDaniel.  
2 As reported in the press, CBS told her that her department was being “restructured.”

3           55.     While Mr. Stapf told Mr. Maynard that they would keep him on to “wind down,” Mr.  
4 Stapf gave no details, simply leaving Mr. Maynard with the impression that his termination was  
5 imminent, an impression that has since been confirmed, as Mr. Maynard’s last day of employment  
6 will be December 2, 2019.

7           56.     Notably, CBS has been eliminating several upper-level executives over the age of 40,  
8 such as, Peter Golden, the twenty-two-year Executive Vice President, Talent & Casting, at CBS; Lucy  
9 Cavallo, the twenty-four-year Senior Vice President, Casting, at CBS Entertainment; Eric Steinberg,  
10 the thirty-year Senior Vice President, Research, at CBS Entertainment; Amy Herzig, the twenty-four-  
11 year Sr. Vice President, New York Casting, at CBS Entertainment; and Ms. McDaniel, Executive  
12 Vice President, Daytime Programs, at CBS Entertainment.

13                               **FIRST CAUSE OF ACTION**

14                   **Discrimination Based on Race, National Origin, Color, and Ancestry in Violation of**  
15                               **Cal. Gov’t. Code § 12940**  
16                               **(Against All Defendants)**

17           57.     Mr. Maynard alleges and incorporates by reference the allegations in each of the  
18 preceding paragraphs as if fully set forth herein.

19           58.     In relevant part, California Government Code section 12940(a) provides that it shall be  
20 unlawful for an employer to discriminate against an employee in the terms and conditions of his  
21 employment because of his race, national origin, color, and/or ancestry.

22           59.     Mr. Maynard is of Japanese origin and ancestry, and his ancestors are from Japan. He  
23 is thus a member of a protected class.

24           60.     California’s Fair Employment and Housing Act (“FEHA”) defines “employer” broadly  
25 to encompass “any person regularly employing five or more persons, or any person acting as an agent  
26 of an employer, directly or indirectly.” California Government Code § 12926(d).

27           61.     Defendants were Mr. Maynard’s employer as defined by FEHA, as they regularly  
28 employed five or more persons.

62. As set forth above, Defendants discriminated against Mr. Maynard because of his race, national origin, color, and ancestry. Defendants engaged in illegal, intentional discrimination on the basis of race, by creating a hostile work environment based on race, national origin, color, and ancestry and by terminating Mr. Maynard.

63. As a direct, legal and proximate result of the discrimination, Mr. Maynard has suffered damages, including emotional distress, lost wages and other economic damages, in an amount to be proven at trial.

64. By reason of the conduct of Defendants, Mr. Maynard has necessarily retained attorneys to prosecute this action. Pursuant to California Government Code § 12965(b), as a result of Defendants' discrimination, Mr. Maynard is entitled to recover damages for economic harm and emotional distress, attorneys' fees, costs, and expert witness fees.

65. Defendants committed the acts herein despicably, maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Mr. Maynard, from an improper and evil motive amounting to malice, and in conscious disregard of the rights of Mr. Maynard. He is thus entitled to recover punitive damages from Defendant in an amount according to proof.

66. Mr. Maynard has timely exhausted his administrative remedies with the California Department of Fair Employment and Housing.

## SECOND CAUSE OF ACTION

**Discrimination Based on Age in Violation of Cal. Gov't. Code § 12940**  
**(Against All Defendants)**

67. Mr. Maynard alleges and incorporates by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

68. In relevant part, California Government Code section 12940(a) provides that it shall be unlawful for an employer to discriminate against an employee in the terms and conditions of his employment because of his age.

69. Mr. Maynard is over forty and is thus a member of a protected class. Indeed, Mr. Maynard is fifty-three.

1           70.     California's Fair Employment and Housing Act ("FEHA") defines "employer" broadly  
2 to encompass "any person regularly employing five or more persons, or any person acting as an agent  
3 of an employer, directly or indirectly." California Government Code § 12926(d).

4           71.     Defendants were Mr. Maynard's employer as defined by FEHA, as they regularly  
5 employed five or more persons.

6           72.     As set forth above, Defendants discriminated against Mr. Maynard because of his age.  
7 Defendants engaged in illegal, intentional discrimination on the basis of age, by creating a hostile  
8 work environment based on age and by terminating Mr. Maynard.

9           73.     As a direct, legal and proximate result of the discrimination, Mr. Maynard has suffered  
10 damages, including emotional distress, lost wages and other economic damages, in an amount to be  
11 proven at trial.

12          74.     By reason of the conduct of Defendants, Mr. Maynard has necessarily retained  
13 attorneys to prosecute this action. Pursuant to California Government Code § 12965(b), as a result of  
14 Defendants' discrimination, Mr. Maynard is entitled to recover damages for economic harm and  
15 emotional distress, attorneys' fees, costs, and expert witness fees.

16          75.     Defendants committed the acts herein despicably, maliciously, fraudulently, and  
17 oppressively, with the wrongful intention of injuring Mr. Maynard, from an improper and evil motive  
18 amounting to malice, and in conscious disregard of the rights of Mr. Maynard. He is thus entitled to  
19 recover punitive damages from Defendant in an amount according to proof.

20          76.     Mr. Maynard has timely exhausted his administrative remedies with the California  
21 Department of Fair Employment and Housing.

### 22                                   **THIRD CAUSE OF ACTION**

#### 23                   **Failure to Prevent Discrimination in Violation of Cal. Gov't. Code § 12940**

#### 24                                   **(Against All Defendants)**

25          77.     Mr. Maynard alleges and incorporates by reference the allegations in each of the  
26 preceding paragraphs as if fully set forth herein.

27          78.     At all times herein mentioned, FEHA, Government Code section 12940(k), was in full  
28 force and effect and was binding on defendants. This statute states that it is an unlawful employment

1 practice in California for an employer “to fail to take all reasonable steps necessary to prevent  
2 discrimination and harassment from occurring.”

3 79. During the course of plaintiff’s employment, Defendants failed to prevent their  
4 employees from engaging in intentional actions that resulted in Mr. Maynard being treated less  
5 favorably because of his race.

6 80. Defendants failed to prevent their employees from engaging in unjustified employment  
7 practices against employees.

8 81. During the course of Mr. Maynard’s employment, Defendants failed to prevent a  
9 pattern and practice by their employees of intentional discrimination and harassment on the bases of  
10 race.

11 82. Mr. Maynard believes and on that basis alleges that his race was a substantial  
12 motivating factors in Defendants’ employees’ discrimination against him.

13 83. As a proximate result of Defendants’ willful, knowing, and intentional misconduct, Mr.  
14 Maynard has sustained and continues to sustain substantial losses of earnings and other employment  
15 benefits.

16 84. As a proximate result of Defendants’ willful, knowing, and intentional misconduct, Mr.  
17 Maynard has suffered and continues to suffer humiliation, emotional distress, and physical and mental  
18 pain and anguish, all to his damage in a sum according to proof.

19 85. Mr. Maynard has incurred and continues to incur legal expenses and attorneys’ fees.  
20 Pursuant to Government Code section 12965(b), Mr. Maynard is entitled to recover reasonable  
21 attorneys’ fees and costs (including expert costs) in an amount according to proof.

22 86. Defendants committed the acts herein despicably, maliciously, fraudulently, and  
23 oppressively, with the wrongful intention of injuring Mr. Maynard, from an improper and evil motive  
24 amounting to malice, and in conscious disregard of the rights of Mr. Maynard. He is thus entitled to  
25 recover punitive damages from Defendant in an amount according to proof.

26 87. Mr. Maynard has timely exhausted his administrative remedies with the California  
27 Department of Fair Employment and Housing.  
28

1 **FOURTH CAUSE OF ACTION**

2 **Wrongful Termination in Violation of Public Policy**

3 **(Against All Defendants)**

4 88. Mr. Maynard alleges and incorporates by reference the allegations in each of the  
5 preceding paragraphs as if fully set forth herein.

6 89. The discharge of an employee in violation of the California Fair Employment and  
7 Housing Act contravenes those laws and the policies underlying them, and gives rise to a common law  
8 action for wrongful termination.

9 90. As a direct and proximate result of Defendants' termination of Maynard and refusal to  
10 renew his contract, as alleged above, Mr. Maynard has been harmed.

11 91. Mr. Maynard has suffered the loss of, inter alia, his substantial salary and benefits that  
12 she would have received had he not been terminated. As a result of such illegal conduct, Mr.  
13 Maynard has suffered such damages in an amount according to proof at trial.

14 92. As a further direct and proximate result of Defendants' conduct, Mr. Maynard has  
15 suffered a loss of financial stability, peace of mind and future security, and has suffered  
16 embarrassment, humiliation, mental and emotional pain and distress.

17 93. Defendants committed the acts alleged herein oppressively and maliciously, with the  
18 wrongful intention of injuring Mr. Maynard, from an evil and improper motive amounting to malice,  
19 and in conscious disregard of his rights. Thus, Mr. Maynard is entitled to recover punitive damages  
20 from Defendants.

21 **FIFTH CAUSE OF ACTION**

22 **Intentional Infliction of Emotional Distress**

23 **(Against All Defendants)**

24 94. Mr. Maynard alleges and incorporates by reference the allegations in each of the  
25 preceding paragraphs as if fully set forth herein.

26 95. As discussed herein, Defendants intentionally and recklessly caused severe emotional  
27 distress to Mr. Maynard in multiple ways.  
28

96. Defendants intentionally and recklessly caused severe emotional distress to Mr. Maynard by unlawfully terminating his employment in violation of state law.

97. Defendants' conduct, as discussed herein, was so outrageous that it caused humiliation, shame, shock, anxiety, and severe emotional distress to Mr. Maynard.

98. Defendants intended to cause Mr. Maynard emotional distress, or acted with reckless disregard of the probability that Mr. Maynard would suffer emotional distress.

99. Defendants' conduct was a substantial factor in causing Mr. Maynard's severe emotional distress and related damage.

100. Defendants committed the acts alleged herein oppressively and maliciously, with the wrongful intention of injuring Mr. Maynard, from an evil and improper motive amounting to malice, and in conscious disregard of his rights. Thus, Mr. Maynard is entitled to recover punitive damages from Defendants.

## PRAYER FOR RELIEF

Wherefore, Mr. Maynard respectfully prays for relief and judgment against Defendants, as follows, in amounts according to proof at trial but which exceed the minimum jurisdiction of this Court:

1. For judgment in favor of Plaintiff against Defendants;
2. For compensatory and special damages as set forth throughout the complaint according to proof with prejudgment interest thereon to the extent allowable by law;
3. For damages for severe emotional distress, humiliation, grief, nervousness, worry, sadness, anger, frustration, embarrassment, stress, and related emotional and mental anguish in amount to be determined by the jury at the trial of this matter.
4. Damages for future loss of earnings, bonuses and benefits, in spite of continuing attempts at mitigating damages, in an amount to be determined by the jury at the trial of this matter.
5. For exemplary and punitive damages in a sum sufficient to deter Defendants' conduct;
6. For all reasonable attorneys' fees incurred by Plaintiff in the prosecution of this matter, as permitted by statute;



- 1           7.     For injunctive relief requiring Plaintiff's reinstatement;  
2           8.     For costs of suit incurred herein; and  
3           9.     For such other and further relief as the Court deems just and proper.

4                               **DEMAND FOR JURY TRIAL**

5           Plaintiff hereby demands trial by jury on all issues so triable.

6  
7     Date: November 24, 2019

DHILLON LAW GROUP INC.

8  
9  
10                               By:



Harmet K. Dhillon

John-Paul S. Deol

Michael R. Fleming

*Attorneys for Plaintiff Ghen Maynard*